

House Study Bill 710

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON ELGIN)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for the licensure of electricians and installers
2 on a statewide basis, providing for apprentice electrician
3 registration, establishing fees, providing penalties, and
4 providing an effective date.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 6480HC 80
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1 1 Section 1. Section 10A.502, Code 2003, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 4. Inspections relating to electrical
1 4 wiring installed by licensees pursuant to chapter 542A.
1 5 Sec. 2. NEW SECTION. 542A.1 DEFINITIONS.
1 6 As used in this chapter, unless the context otherwise
1 7 requires:
1 8 1. "Apprentice electrician" means a person, other than a
1 9 licensee under this chapter, who is enrolled in an
1 10 apprenticeship training program approved by the United States
1 11 department of labor, bureau of apprenticeship and training,
1 12 and engaged, as the person's principal occupation, in learning
1 13 and assisting in the installation of electrical wiring,
1 14 electrical apparatus, and electrical equipment as an employee
1 15 of a licensee under this chapter.
1 16 2. "Board" means the electrical licensing board created
1 17 under section 542A.3.
1 18 3. "Class A journeyman electrician" means a person having
1 19 the necessary qualifications, training, experience, and
1 20 technical knowledge to wire for or install electrical wiring,
1 21 electrical apparatus, and electrical equipment and to
1 22 supervise apprentice electricians who is licensed by the
1 23 board.
1 24 4. "Class A master electrician/electrical contractor"
1 25 means a person having the necessary qualifications, training,
1 26 experience, and technical knowledge to plan, lay out, install,
1 27 and supervise the installation of electrical wiring,
1 28 electrical equipment apparatus, and electrical equipment for
1 29 electric light, heat, power, and other purposes and to
1 30 supervise apprentice electricians who is licensed by the
1 31 board.
1 32 5. "Electrical inspector" means a person licensed as an
1 33 electrical inspector and employed by the board, upon such
1 34 reasonable conditions as may be adopted by the board.
1 35 6. "Life safety installer" means a person who is certified
2 1 by the national institute for certification in engineering
2 2 technology; who is qualified to oversee the installation of
2 3 life safety systems, including fire alarm, security, and nurse
2 4 call systems; and who is licensed by the board.
2 5 7. "Residential journeyman electrician" means a person
2 6 having the necessary qualifications, training, experience, and
2 7 technical knowledge to wire for or install electrical wiring,
2 8 electrical apparatus, and electrical equipment for systems of
2 9 not over four hundred ampere capacity for light, heat, power,
2 10 and other purposes in any structure used and maintained as a
2 11 single or multifamily residential dwelling excluding hotels,
2 12 motels, dormitories, nursing homes, or care facilities.
2 13 8. "Special electrician" means a person having the
2 14 necessary qualifications, training, and experience in wiring
2 15 or installing special classes of electrical wiring, apparatus,
2 16 equipment, or installations, limited to irrigation system
2 17 wiring, well pump wiring, and sign installation who is
2 18 licensed by the board.
2 19 Sec. 3. NEW SECTION. 542A.2 CHAPTER INAPPLICABILITY.
2 20 This chapter does not apply to a person licensed as an

2 21 engineer pursuant to chapter 542B or licensed as an architect
2 22 pursuant to chapter 544A providing consultations and
2 23 developing plans concerning electrical installations who is
2 24 exclusively engaged in the practice of the person's
2 25 profession.

2 26 Sec. 4. NEW SECTION. 542A.3 ELECTRICAL LICENSING BOARD
2 27 CREATED.

2 28 An electrical licensing board is created within the
2 29 professional licensing and regulation division of the
2 30 department of commerce. The board shall consist of seven
2 31 members, appointed by the governor and subject to senate
2 32 confirmation, all of whom shall be residents of this state.
2 33 Two members shall be journeyman electricians, one a member of
2 34 an electrical workers union working under a collective
2 35 bargaining agreement and one not a member of a union; two
3 1 members shall be master electricians/electrical contractors,
3 2 one of whom is a member of an electrical workers union working
3 3 under a collective bargaining agreement and one who is a
3 4 nonunion contractor; one member shall be an electrical
3 5 inspector; and two members, one a union member and one a
3 6 nonunion member, shall not be a member of any of the
3 7 aforementioned groups and shall represent the general public.
3 8 The public members of the board shall be allowed to
3 9 participate in administrative, clerical, or ministerial
3 10 functions incident to giving a licensure examination, but
3 11 shall not determine the content of the examination or
3 12 determine the correctness of the answers. Professional
3 13 associations or societies composed of licensed electricians
3 14 may recommend to the governor the names of potential board
3 15 members whose profession is representative of that association
3 16 or society. However, the governor is not bound by the
3 17 recommendations. A board member shall not be required to be a
3 18 member of any professional electrician association or society.

3 19 Sec. 5. NEW SECTION. 542A.4 TERMS OF OFFICE == EXPENSES
3 20 == COUNSEL.

3 21 1. Appointments to the board shall be for three-year terms
3 22 and shall commence and end as provided by section 69.19.
3 23 Vacancies shall be filled for the unexpired term by
3 24 appointment of the governor and shall be subject to senate
3 25 confirmation. Members shall serve no more than three terms or
3 26 nine years, whichever is least.

3 27 2. Members of the board are entitled to receive all actual
3 28 expenses incurred in the discharge of their duties within the
3 29 limits of funds appropriated to the board. Each member of the
3 30 board may also be eligible to receive compensation as provided
3 31 in section 7E.6.

3 32 3. The board shall be entitled to the counsel and to the
3 33 services of the attorney general. The board may compel the
3 34 attendance of witnesses, pay witness fees and mileage, take
3 35 testimony and proofs, and administer oaths concerning any
4 1 matter within its jurisdiction.

4 2 Sec. 6. NEW SECTION. 542A.5 ORGANIZATION OF THE BOARD.

4 3 The board shall elect annually from its members a
4 4 chairperson and a vice chairperson. The administrator of the
4 5 professional licensing and regulation division of the
4 6 department of commerce shall hire and provide staff to assist
4 7 the board in administering this chapter. The board shall hold
4 8 at least one meeting at the location of the board's principal
4 9 office, and meetings shall be called at other times by the
4 10 chairperson or four members of the board. At any meeting of
4 11 the board, a majority of members constitutes a quorum.

4 12 Sec. 7. NEW SECTION. 542A.6 OFFICIAL SEAL == BYLAWS.

4 13 The board shall adopt and have an official seal which shall
4 14 be affixed to all certificates of licensure granted.

4 15 Sec. 8. NEW SECTION. 542A.7 POWERS AND DUTIES.

4 16 The board may:

4 17 1. Adopt rules pursuant to chapter 17A and in doing so
4 18 shall be governed by the minimum standards set forth in the
4 19 national electrical code issued and adopted by the national
4 20 fire protection association in 2002, publication number 70=
4 21 2002, which code shall be filed in the offices of the
4 22 secretary of state and the board and shall be a public record.

4 23 The board shall update these rules on a timely basis to
4 24 conform with subsequent editions of the national electrical
4 25 code. The board shall adopt rules establishing wiring
4 26 standards which protect public safety and health and property
4 27 and which shall apply to all electrical wiring installed by
4 28 licensees.

4 29 2. Provide upon request such voluntary inspections and
4 30 reviews as it deems appropriate. The board shall, in
4 31 coordination with the department of inspections and appeals,

4 32 adopt rules relating to inspection procedures, standards, and
4 33 schedules with regard to electrical wiring installed by
4 34 licensees pursuant to this chapter. Rules providing for
4 35 additional inspections and reviews based on complaints
5 1 received by the board shall require commencement of an
5 2 additional inspection or review within forty-eight hours of
5 3 receipt of a complaint.

5 4 3. Revoke, suspend, or refuse to renew any license granted
5 5 pursuant to this chapter if the licensee:
5 6 a. Violates any provision of the national electrical code
5 7 as adopted pursuant to subsection 1, or any provision of this
5 8 chapter or a rule adopted pursuant to this chapter.
5 9 b. Fails or refuses to pay any application, examination,
5 10 apprentice registration, or license renewal fee required by
5 11 law.
5 12 c. Is a master electrician/electrical contractor or master
5 13 electrician and fails or refuses to provide and keep in force
5 14 a public liability insurance policy as required by the board.
5 15 d. Violates any city=approved or county=approved
5 16 inspection ordinance.

5 17 4. Order disconnection of power to any electrical
5 18 installation that in the board's determination is dangerous to
5 19 health and property.

5 20 5. Order removal of electrical wiring, electrical
5 21 apparatus, or electrical equipment from premises if such
5 22 wiring, apparatus, or equipment in the board's determination
5 23 is dangerous to health and property.

5 24 6. Investigate, for the purpose of identifying dangerous
5 25 electrical wiring or violations of the national electrical
5 26 code as adopted pursuant to subsection 1, any death by
5 27 electrocution that occurs within the state.

5 28 7. Adopt rules for continuing education requirements for
5 29 each classification of licensure, and for apprentice
5 30 registration established pursuant to this chapter, and may
5 31 make all rules, not inconsistent with law, necessary for the
5 32 proper performance of its duties.

5 33 Sec. 9. NEW SECTION. 542A.8 DISCLOSURE OF CONFIDENTIAL
5 34 INFORMATION == CRIMINAL PENALTY.
5 35 A member of the board shall not disclose information
6 1 relating to the following:
6 2 1. Criminal history or prior misconduct of an applicant.
6 3 2. Information relating to the contents of an examination.
6 4 3. Information relating to examination results other than
6 5 a final score except for information about the results of an
6 6 examination given to the person who took the examination.
6 7 A member of the board who willfully communicates or seeks
6 8 to communicate such information, and any person who willfully
6 9 requests, obtains, or seeks to obtain such information, is
6 10 guilty of a simple misdemeanor.

6 11 Sec. 10. NEW SECTION. 542A.9 APPLICATIONS AND
6 12 EXAMINATIONS == FEES.
6 13 1. Applications for initial licensure shall be on forms
6 14 prescribed and furnished by the board, and shall contain
6 15 statements made under oath showing the applicant's education
6 16 and a detailed summary of the applicant's technical work. The
6 17 board shall not require that a recent photograph of the
6 18 applicant be attached to the application form. An applicant
6 19 is not ineligible for licensure because of age, citizenship,
6 20 sex, race, religion, marital status, or national origin,
6 21 although the application form may require citizenship
6 22 information. The board may deny licensure because of the past
6 23 felony record of an applicant. The board may require that an
6 24 applicant submit references.

6 25 2. Applications for licensure, and licensure renewal as
6 26 provided in section 542A.17, shall be accompanied by
6 27 application fees determined by the board. The board shall
6 28 determine the annual cost of administering licensure
6 29 examinations and shall set examination fees.

6 30 3. The board shall collect and account for all fees
6 31 provided for by this chapter and pay the fees to the treasurer
6 32 of state who shall deposit the fees in the general fund of the
6 33 state.

6 34 Sec. 11. NEW SECTION. 542A.10 PLAN, LAY OUT, OR
6 35 SUPERVISE CERTAIN ACTIVITIES == LICENSE REQUIRED ==
7 1 EXCEPTIONS.
7 2 1. Except as provided in section 542A.11, a person shall
7 3 not, for another, plan, lay out, or supervise the installation
7 4 of electrical wiring, electrical apparatus, or electrical
7 5 equipment for electrical light, heat, power, and other
7 6 purposes unless the person is licensed by the board as a class
7 7 A master electrician/electrical contractor. A person

7 8 authorized to plan, lay out, or supervise the installation of
7 9 electrical wiring, electrical apparatus, or electrical
7 10 equipment for electrical light, heat, power, and other
7 11 purposes by a city preceding the effective date of this Act
7 12 pursuant to a supervised written examination and who is
7 13 currently engaged in the electrical contracting industry with
7 14 at least four years' experience shall be issued an applicable
7 15 statewide license corresponding to that authorized as a class
7 16 A master electrician/electrical contractor. The board shall
7 17 adopt by rule criteria for city examination standards
7 18 satisfactory to fulfillment of the requirements of this
7 19 subsection and for documentation of the four years of required
7 20 experience.

7 21 2. On or after the effective date of this section of this
7 22 Act, an applicant for licensure pursuant to this section shall
7 23 meet one of the following requirements:

7 24 a. Have at least one year's experience as a licensed
7 25 journeyman electrician and have a current active license,
7 26 acceptable to the board, as a class A or residential
7 27 journeyman electrician.

7 28 b. Have at least five years' experience, acceptable to the
7 29 board, in planning for, laying out, supervising, and
7 30 installing electrical wiring, electrical apparatus, or
7 31 electrical equipment for electrical light, heat, and power.

7 32 3. In addition to the requirements of subsection 2, an
7 33 applicant shall obtain a score of at least seventy-five
7 34 percent on an examination prescribed and administered by the
7 35 board based upon the most recent national electrical code and
8 1 upon electrical theory.

8 2 Sec. 12. NEW SECTION. 542A.11 WIRING OR INSTALLING ==
8 3 LICENSE REQUIRED == EXCEPTIONS.

8 4 1. Except as provided in subsection 2, a person shall not,
8 5 for another, wire for or install electrical wiring, electrical
8 6 apparatus, or electrical equipment unless the person is
8 7 licensed by the board as a class A master
8 8 electrician/electrical contractor, or a life safety installer.

8 9 2. Except as provided in section 542A.10, a person shall
8 10 not wire for or install electrical wiring, apparatus, or
8 11 equipment or supervise an apprentice electrician unless the
8 12 person is licensed as a class A journeyman electrician, a
8 13 residential journeyman electrician, or a life safety installer
8 14 and is employed by a class A master electrician/electrical
8 15 contractor or a life safety installer.

8 16 3. A person authorized to wire for or install electrical
8 17 wiring, electrical apparatus, or electrical equipment or
8 18 supervise an apprentice electrician by a city preceding the
8 19 effective date of this Act pursuant to a supervised written
8 20 examination, acceptable by the board, and who is currently
8 21 engaged in the electrical contracting industry with at least
8 22 four years' experience, shall be issued an applicable
8 23 statewide license corresponding to that authorization as a
8 24 class A journeyman electrician or a residential journeyman
8 25 electrician.

8 26 4. a. On or after the effective date of this section of
8 27 this Act, an applicant for a journeyman electrician license
8 28 shall have at least four years' experience, acceptable to the
8 29 board, in the electrical trade. Beginning four years after
8 30 the effective date of this Act, an applicant for a journeyman
8 31 electrician license shall have successfully completed an
8 32 apprenticeship training program registered by the bureau of
8 33 apprenticeship and training of the United States department of
8 34 labor in accordance with the standards established by that
8 35 department. The board may by rule provide for the allowance
9 1 of one year of experience credit for successful completion of
9 2 a two-year post-high school electrical course approved by the
9 3 board.

9 4 b. In addition to the requirements of paragraph "a", an
9 5 applicant for a journeyman electrician license shall obtain a
9 6 score of at least seventy-five percent on an examination
9 7 prescribed and administered by the board based upon the most
9 8 recent national electrical code and upon electrical theory.

9 9 Sec. 13. NEW SECTION. 542A.13 SPECIAL ELECTRICIAN
9 10 LICENSE == QUALIFICATIONS.

9 11 The board shall by rule provide for the issuance of special
9 12 electrician licenses empowering the licensee to engage in a
9 13 limited class or classes of electrical work, which class or
9 14 classes shall be specified on the license. Each licensee
9 15 shall have experience, acceptable to the board, in each such
9 16 limited class of work for which the licensee is licensed.

9 17 Sec. 14. NEW SECTION. 542A.14 LIFE SAFETY INSTALLER
9 18 LICENSE == EXPERIENCE.

9 19 1. A person not otherwise licensed pursuant to this
9 20 chapter shall not plan, lay out, or install electrical wiring,
9 21 electrical apparatus, and electrical equipment for components
9 22 of life safety systems. A person authorized to plan, lay out,
9 23 or install electrical wiring, electrical apparatus, and
9 24 electrical equipment for components of life safety systems
9 25 that operate at fifty volts or less by a city on the effective
9 26 date of this Act shall be issued an applicable statewide
9 27 license corresponding to that authorization as a life safety
9 28 installer.

9 29 2. On or after the effective date of this section of this
9 30 Act, any person licensed as a life safety installer to plan,
9 31 lay out, and install electrical wiring, electrical apparatus,
9 32 and electrical equipment for components of life safety systems
9 33 shall have at least two years' experience, acceptable to the
9 34 board, in planning, laying out, and installing life safety
9 35 systems.

10 1 3. In addition to the requirements of subsections 1 and 2,
10 2 an applicant for a life safety installer license shall obtain
10 3 a score of at least seventy-five percent on an examination
10 4 prescribed and administered by the board based on the most
10 5 recent national electrical code and upon electrical theory.

10 6 Sec. 15. NEW SECTION. 542A.15 APPRENTICE ELECTRICIAN ==
10 7 REGISTRATION == SUPERVISION.

10 8 1. A person may register with the board and pay a
10 9 registration fee to work as an apprentice electrician provided
10 10 that the individual is currently enrolled in an electrical
10 11 apprenticeship training program approved by the United States
10 12 department of labor, bureau of apprenticeship and training.
10 13 Such registration shall entitle the registrant to act as an
10 14 apprentice to a class A master electrician/electrical
10 15 contractor, a class A journeyman electrician, or a residential
10 16 journeyman electrician as provided in subsection 2.

10 17 2. A person shall not serve as an apprentice electrician
10 18 except under the direct, personal, on-the-job supervision and
10 19 control and in the presence of a licensee enumerated in
10 20 subsection 1. Such a licensee may employ or supervise
10 21 apprentice electricians at a ratio not to exceed one
10 22 apprentice electrician to one licensee, except that such ratio
10 23 and the other requirements of this section shall not be
10 24 applicable to a teacher-student relationship within a
10 25 classroom.

10 26 For purposes of this section, "direct, personal, on-the-job
10 27 supervision and control and in the presence of a licensee"
10 28 means the licensee and the apprentice electrician shall be
10 29 working at the same project location but shall not require
10 30 that the licensee and apprentice electrician be within sight
10 31 of one another at all times.

10 32 3. An apprentice electrician shall not install, alter, or
10 33 repair electrical wiring, electrical apparatus, or electrical
10 34 equipment except as provided in this section, and the licensee
10 35 employing or supervising an apprentice electrician shall not
11 1 authorize or permit such actions by the apprentice
11 2 electrician.

11 3 Sec. 16. NEW SECTION. 542A.16 EXAMINATIONS == REPORT
11 4 REQUIRED.

11 5 Examinations for licensure shall be given as often as
11 6 deemed necessary by the board, but no less than one time per
11 7 month. The scope of the examinations and the methods of
11 8 procedure shall be prescribed by the board. Any examination
11 9 may be given by representatives of the board. As soon as
11 10 practicable after the close of each examination, a report
11 11 shall be filed in the office of the secretary of the board by
11 12 the board. The report shall show the action of the board upon
11 13 each application and the secretary of the board shall notify
11 14 each applicant of the result of the applicant's examination.
11 15 Applicants who fail the examination once shall be allowed to
11 16 take the examination at the next scheduled time. Thereafter,
11 17 the applicant shall be allowed to take the examination at the
11 18 discretion of the board. An applicant who has failed the
11 19 examination may request, in writing, information from the
11 20 board concerning the applicant's examination grade and subject
11 21 areas or questions which the applicant failed to answer
11 22 correctly, except that if the board administers a uniform,
11 23 standardized examination, the board shall only be required to
11 24 provide the examination grade and such other information
11 25 concerning the applicant's examination results which are
11 26 available to the board.

11 27 Sec. 17. NEW SECTION. 542A.17 CONTINUING EDUCATION
11 28 REQUIREMENT == LICENSE EXPIRATIONS AND RENEWALS.

11 29 Licenses issued pursuant to this chapter shall expire one

11 30 year following issuance. In order to be eligible for renewal,
11 31 the holder of a license issued pursuant to this chapter shall
11 32 certify to the board as a part of an application to renew that
11 33 eight hours of continuing education have been completed
11 34 covering provisions of the national electric code and updates
11 35 to that code since the issuance of the license to be renewed.
12 1 Renewal may be effected by the payment of a fee, the amount of
12 2 which shall be determined by the board. The failure on the
12 3 part of any licensee to renew a certificate in the month of
12 4 expiration as required above shall not deprive a person of the
12 5 right of renewal. A person who fails to renew a certificate
12 6 by the expiration date shall be allowed to do so within thirty
12 7 days following its expiration, but the board may assess a
12 8 reasonable penalty. For the duration of any military
12 9 intervention in which the United States is engaged, the board
12 10 may, in its discretion, defer the collection of renewal fees
12 11 without penalty, which have or may become due from individuals
12 12 licensed pursuant to this chapter who are engaged in the
12 13 military intervention, and residing outside the state, or who
12 14 are members of the armed forces of the United States, and may
12 15 renew the licenses of individuals licensed pursuant to this
12 16 chapter.

12 17 Sec. 18. NEW SECTION. 542A.18 TEMPORARY LICENSEES.

12 18 A temporary ninety-day license may be granted to a person
12 19 licensed in another state, territory, or possession of the
12 20 United States, or the District of Columbia, as prescribed by
12 21 rule, provided that before practicing within this state the
12 22 person shall have applied for temporary licensure, made
12 23 application to take the licensing exam, and shall have paid
12 24 the fee prescribed by the board.

12 25 Sec. 19. NEW SECTION. 542A.19 SUSPENSION, REVOCATION, OR
12 26 REPRIMAND.

12 27 The board, by a majority vote of the entire board, may
12 28 suspend for a period not exceeding two years, revoke the
12 29 certificate of licensure of, or reprimand any licensee who is
12 30 found guilty of any of the following acts or offenses:

- 12 31 1. Fraud in procuring a certificate of licensure.
- 12 32 2. Professional incompetency.
- 12 33 3. Knowingly making misleading, deceptive, untrue, or
12 34 fraudulent representations in the practice of the licensee's
12 35 profession or engaging in unethical conduct or practice
13 1 harmful to the public. Proof of actual injury need not be
13 2 established.
- 13 3 4. Habitual intoxication or addiction to the use of drugs.
- 13 4 5. Conviction of a felony under the laws of the United
13 5 States, any state, territory, or possession of the United
13 6 States, the District of Columbia, or any foreign country. A
13 7 copy of the record of conviction or plea of guilty is
13 8 conclusive evidence.
- 13 9 6. Revocation or suspension of licensure, or other
13 10 disciplinary action by the licensing authority of another
13 11 state, territory, possession of the United States, the
13 12 District of Columbia, or any foreign country. A certified
13 13 copy of the record or order of suspension, revocation, or
13 14 other disciplinary action is prima facie evidence of such
13 15 fact.
- 13 16 7. Fraud in representations as to skill or ability.
- 13 17 8. Use of untruthful or improbable statements in
13 18 advertisements.
- 13 19 9. Willful or repeated violations of this chapter.

13 20 Sec. 20. NEW SECTION. 542A.20 PROCEDURE.

13 21 Proceedings for any action under section 542A.19 shall be
13 22 begun by filing with the board written charges against the
13 23 accused. Upon the filing of charges, the board may request
13 24 the department of inspections and appeals to conduct an
13 25 investigation into the charges. The department of inspections
13 26 and appeals shall report its findings to the board, and the
13 27 board shall designate a time and place for a hearing, and
13 28 shall notify the accused of this action and furnish the
13 29 accused a copy of all charges at least thirty days prior to
13 30 the date of the hearing. The accused has the right to appear
13 31 personally or by counsel, to cross-examine witnesses, or to
13 32 produce witnesses in defense.

13 33 Sec. 21. NEW SECTION. 542A.21 INJUNCTION.

13 34 Any person who is not legally authorized to practice in
13 35 this state according to this chapter, who practices, or in
14 1 connection with the person's name, uses any designation
14 2 tending to imply or designate the person as authorized to
14 3 practice in this state according to this chapter, may be
14 4 restrained by permanent injunction.

14 5 Sec. 22. NEW SECTION. 542A.22 CRIMINAL VIOLATIONS.

14 6 A person who violates such a permanent injunction or
14 7 presents or attempts to file as the person's own the
14 8 certificate of licensure or apprentice registration of
14 9 another, or who gives false or forged evidence of any kind to
14 10 the board in obtaining a certificate of licensure or
14 11 apprentice registration, or who falsely impersonates another
14 12 practitioner of like or different name, or who uses or
14 13 attempts to use a revoked certificate of licensure or
14 14 registration, is guilty of a fraudulent practice pursuant to
14 15 chapter 714.

14 16 Sec. 23. NEW SECTION. 542A.23 CIVIL PENALTY.

14 17 1. In addition to any other penalties provided for in this
14 18 chapter, the board may by order impose a civil penalty upon a
14 19 person who is not licensed or registered under this chapter
14 20 and who does any of the following:

14 21 a. Is employed in a capacity in which the person engages
14 22 in or offers to engage in the activities authorized pursuant
14 23 to this chapter.

14 24 b. Uses or employs the words "class A master
14 25 electrician/electrical contractor", "class A journeyman
14 26 electrician", "residential journeyman electrician", "life
14 27 safety installer", or implies authorization to provide or
14 28 offer those services, or otherwise uses or advertises any
14 29 title, word, figure, sign, card, advertisement, or other
14 30 symbol or description tending to convey the impression that
14 31 the person is a class A master electrician/electrical
14 32 contractor, class A journeyman electrician, residential
14 33 journeyman electrician, or life safety installer.

14 34 c. Gives false or forged evidence of any kind to the board
14 35 or any member of the board in obtaining or attempting to
15 1 obtain a certificate of licensure or registration.

15 2 d. Falsely impersonates any individual licensed pursuant
15 3 to this chapter.

15 4 e. Uses or attempts to use an expired, suspended, revoked,
15 5 or nonexistent certificate of licensure or registration.

15 6 f. Knowingly aids or abets an unlicensed or unregistered
15 7 person who engages in any activity identified in this
15 8 subsection.

15 9 2. A civil penalty imposed shall not exceed one thousand
15 10 dollars for each offense. Each day of a continued violation
15 11 constitutes a separate offense, except that offenses resulting
15 12 from the same or common facts or circumstances shall be
15 13 considered a single offense.

15 14 3. In determining the amount of a civil penalty to be
15 15 imposed, the board may consider any of the following:

15 16 a. Whether the amount imposed will be a substantial
15 17 economic deterrent to the violation.

15 18 b. The circumstances leading to the violation.

15 19 c. The severity of the violation and the risk of harm to
15 20 the public.

15 21 d. The economic benefits gained by the violator as a
15 22 result of noncompliance.

15 23 e. The interest of the public.

15 24 4. Before issuing an order under this section, the board
15 25 shall provide the person written notice and the opportunity to
15 26 request a hearing on the record. The hearing must be
15 27 requested within thirty days of the issuance of the notice and
15 28 shall be conducted in the same manner as provided in section
15 29 542A.20.

15 30 5. The board, in connection with a proceeding under this
15 31 section, may issue subpoenas to compel the attendance and
15 32 testimony of witnesses and the disclosure of evidence, and may
15 33 request the attorney general to bring an action to enforce the
15 34 subpoena.

15 35 6. A person aggrieved by the imposition of a civil penalty
16 1 under this section may seek judicial review in accordance with
16 2 section 17A.19.

16 3 7. If a person fails to pay a civil penalty within thirty
16 4 days after entry of an order under subsection 1, or if the
16 5 order is stayed pending an appeal within ten days after the
16 6 court enters a final judgment in favor of the board, the board
16 7 shall notify the attorney general. The attorney general may
16 8 commence an action to recover the amount of the penalty,
16 9 including reasonable attorney fees and costs.

16 10 8. An action to enforce an order under this section may be
16 11 joined with an action for an injunction.

16 12 Sec. 24. EFFECTIVE DATE. Sections 2 through 7, section 8,
16 13 subsections 1 and 7, and section 9 of this Act, being deemed
16 14 of immediate importance, take effect upon enactment. The
16 15 remaining sections and subsections of this Act take effect
16 16 July 1, 2005.

EXPLANATION

16 17
16 18 This bill provides for and requires the statewide licensure
16 19 of electricians and installers and provides for the
16 20 registration of apprentice electricians. Statewide licensure
16 21 replaces current licensure of electricians on a city-by-city
16 22 basis.

16 23 The bill provides that individuals authorized to plan, lay
16 24 out, supervise, or perform the installation of electrical
16 25 wiring, electrical apparatus, or electrical equipment for
16 26 electrical light, heat, power, and other purposes by a city on
16 27 the effective date of the bill, who have passed a city
16 28 examination, are currently engaged in the industry, and
16 29 possess four years' experience, shall be issued a statewide
16 30 license corresponding to their current classification, as
16 31 defined in the bill, of class A master electrician/electrical
16 32 contractor, class A journeyman electrician, residential
16 33 journeyman electrician, or life safety installer. The bill
16 34 provides that an individual applying for licensure on or after
16 35 the effective date of the licensing portions of the bill shall
17 1 be required to meet the specified licensure criteria. The
17 2 bill provides that an applicant shall have at least one year's
17 3 experience, acceptable to the board, as a class A journeyman
17 4 electrician or a residential journeyman electrician; or have
17 5 at least five years' experience, acceptable to the board, in
17 6 planning for, laying out, supervising, and installing
17 7 electrical wiring, electrical apparatus, or equipment for
17 8 electrical light, heat, and power. The bill additionally
17 9 provides that an applicant must obtain a score of at least 75
17 10 percent on an examination prescribed and administered by the
17 11 board based upon the most recent national electrical code and
17 12 upon electrical theory.

17 13 The bill provides that an individual authorized to wire for
17 14 or install for another individual electrical wiring,
17 15 apparatus, or equipment, or supervise an apprentice
17 16 electrician, by a city preceding the effective date of the
17 17 licensing portions of the bill, shall be issued a statewide
17 18 license corresponding to their current classification, as
17 19 defined in the bill, of class A journeyman electrician,
17 20 residential journeyman electrician, or life safety installer
17 21 provided the individual is employed by a class A master
17 22 electrician/electrical contractor or a life safety installer
17 23 and has passed a city examination, is currently engaged in the
17 24 industry, and possesses four years' experience. The bill
17 25 provides that on or after the effective date of the licensing
17 26 portions of the bill, an applicant shall possess at least four
17 27 years' experience in the electrical trade, and that beginning
17 28 four years after the effective date, an apprenticeship
17 29 training program shall have been successfully completed. The
17 30 bill provides that the board may by rule provide for the
17 31 allowance of one year of experience credit for successful
17 32 completion of a two-year post-high school electrical course
17 33 approved by the board. The bill provides that an applicant
17 34 for a class A or residential journeyman or special electrical
17 35 license shall obtain a score of at least 75 percent on an
18 1 examination prescribed and administered by the board based
18 2 upon the most recent national electrical code and upon
18 3 electrical theory.

18 4 The bill provides for the creation of a seven-member
18 5 electrical licensing board within the professional licensing
18 6 and regulation division of the department of commerce. The
18 7 bill provides that board members shall be appointed by the
18 8 governor and subject to senate confirmation, and shall be
18 9 residents of the state. The bill provides that membership
18 10 shall be comprised of two journeyman electricians, one a
18 11 member of an electrical workers union working under a
18 12 collective bargaining agreement and one not a member; two
18 13 master electricians/electrical contractors, one a member of an
18 14 electrical workers union working under a collective bargaining
18 15 agreement and one not a member; one electrical inspector; and
18 16 two members, one union and one nonunion, who are not members
18 17 of the aforementioned groups representing the general public.
18 18 The bill specifies several specific powers of the electrical
18 19 licensing board. The bill provides that the board shall adopt
18 20 rules pursuant to Code chapter 17A governed by the minimum
18 21 standards set forth in the national electrical code issued and
18 22 adopted by the national fire protection association in 2002,
18 23 publication number 70-2002, establishing wiring standards
18 24 which protect public safety and health and property and which
18 25 shall apply to all electrical wiring installed by licensees.
18 26 The bill provides that the board shall provide upon request
18 27 such additional voluntary inspections and reviews as it deems

18 28 appropriate, establish rules for inspections based on
18 29 complaints within 48 hours, and in coordination with the
18 30 department of inspections and appeals adopt rules relating to
18 31 inspection procedures, standards, and schedules with regard to
18 32 electrical wiring installed by licensees. The bill contains
18 33 provisions relating to the circumstances leading to the
18 34 revocation, suspension, or refusal to renew a license, and
18 35 provides that the board may order disconnection of power to
19 1 any electrical installation that in the board's determination
19 2 is dangerous to health and property, order removal of
19 3 electrical wiring and apparatus from premises when such wiring
19 4 and apparatus in the board's determination is dangerous to
19 5 health and property, investigate dangerous electrical wiring
19 6 or violations of the national electrical code, and establish
19 7 rules for continuing education requirements for each
19 8 classification of licensure and registration.

19 9 The bill additionally provides that the board shall
19 10 establish criteria for the statewide licensure of an
19 11 individual possessing a life safety installer license. The
19 12 bill provides for the issuance of special electrician licenses
19 13 empowering the licensee to engage in a limited class or
19 14 classes of electrical work. The bill also provides for the
19 15 statewide licensure of an individual authorized to plan, lay
19 16 out, and install electrical wiring, electrical apparatus, and
19 17 electrical equipment for components of life safety systems by
19 18 a city on the effective date of the licensing portions of the
19 19 bill. The bill provides that beginning on or after the
19 20 effective date of the licensing portions of the bill, an
19 21 applicant for a life safety installer license shall have at
19 22 least two years' experience, acceptable to the board, in
19 23 planning, laying out, and installing life safety systems.

19 24 The bill provides for a registration process for apprentice
19 25 electricians. The bill provides that registration shall
19 26 entitle the registrant to act as an apprentice electrician to
19 27 a class A master electrician/electrical contractor, a class A
19 28 journeyman electrician, or a residential journeyman
19 29 electrician, and that an apprentice electrician who is
19 30 currently enrolled in a United States department of labor,
19 31 bureau of apprenticeship and training approved electrical
19 32 apprenticeship program shall do no electrical wiring except
19 33 under the direct, personal, on-the-job supervision and control
19 34 and in the presence of such licensed individuals. The bill
19 35 provides that a licensee may employ or supervise apprentice
20 1 electricians at a ratio not to exceed one apprentice
20 2 electrician to one licensee, with the exception of a teacher=
20 3 student relationship within a classroom of a community
20 4 college.

20 5 The bill provides an application process and provides for
20 6 the establishment of application, examination, licensure,
20 7 renewal, and registration fees. The bill additionally
20 8 provides suspension, revocation, reprimand, and penalty
20 9 provisions.

20 10 Provisions of the bill relating primarily to definitions
20 11 and the establishment of the electrical licensing board take
20 12 effect upon enactment. Remaining provisions of the bill,
20 13 dealing primarily with forms of and qualifications for
20 14 licensure or registration, take effect on July 1, 2005.

20 15 LSB 6480HC 80

20 16 rn/gg/l4